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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,855	09/19/2000	Masayuki Enoki	197452US2S	5425

22850 7590 04/09/2004

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EXAMINER	
NGUYEN, HUY D	

ART UNIT	PAPER NUMBER
2681	10

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/664,855	Applicant(s) ENOKI ET AL.	
	Examiner Huy D Nguyen	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmela et al. (U.S. Patent No. 6,181,938) in view of Witter (U.S. Patent No. 6,073,035).

Regarding claims 12-14, Salmela et al. discloses steps for the DMT location updating. In step 2A-1, the dual mode terminal DMT transmits a location update request Loc_Up-date_Req. The location update request proceeds to the mobile switching center MSC. In step 2A-2, the mobile switching center MSC/SSP transmits the location update request to the Visitor Location Register VLR, which performs the location updating in step 2A-3. In step 2A-4, the visitor location register VLR transmits an acknowledgement that the location updating has been performed to the mobile switching center MSC, which transmits the acknowledgement further to the mobile terminal DMT in step 2A-5 (FIG. 2A; col. 3, lines 50-65). It is inherent that transmitting section for sending location registration request and receiving section for receiving ACK signal are included in the DMT. Salmela et al. fails to teach step for prohibiting power supply to the receiving section if the ACK signal is not received within a predetermined period of time. Witter teaches a method and apparatus for reducing power consumption in a CDMA wireless telephone. Witter teaches that if an attempt to access a base station has failed, a sleep timer is started in the CPU, and the RX section is powered down to a reduced power mode. After

the RX section has powered down, the CPU powers down to complete the transition to the reduced power mode. After the sleep timer expires, the CPU, RX Section and MSM are restored to full power, and the phone again searches the available carriers in an attempt to access a base station [col. 3, lines 15-24]. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to power down the RX section when the attempt to access a base station has failed as disclosed in Witter since that reduces the power consumption.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmela et al. (U.S. Patent No. 6,181,938) in view of Witter (U.S. Patent No. 6,073,035 in further view of Jeong (U.S. Patent No. 6,421,539).

Regarding claim 15, Salmela et al. and Witter fail to disclose an acquiring section for acquiring a second base station if the acknowledge signal transmitted from the first base station is not received within a predetermined period of time after the location registration request signal has been transmitted from the transmitting section; and a causing section for transmitting a location registration request signal to the acquired second base station, and causing the receiving section to receive an acknowledge signal from the second base station after the second base station receives the location registration request signal from the transmitting section. Jeong teaches that when the MT moves far into the area of the base station 2, it drops the channel connected with the BTS 1 (20) and terminates the soft handoff. In this case, if the MT completes the call, either normally or abnormally, it is synchronized with the BTS 2 (50) and sends an ack signal. BTS 2 (50) detects the ack signal of the MT and requests to the MT to its register location (col. 6, lines 34-39). It would have been obvious to one of ordinary skill in the art at time the

invention was made to modify the DMT in Salmela et al. to have an acquiring section for acquiring a second base station if the acknowledge signal transmitted from the first base station is not received within a predetermined period of time after the location registration request signal has been transmitted from the transmitting section; and a causing section for transmitting a location registration request signal to the acquired second base station, and causing the receiving section to receive an acknowledge signal from the second base station after the second base station receives the location registration request signal from the transmitting section since that would help the mobile terminal establish a better connection.

Regarding claim 16, it is well known in the art that the frequencies of the neighbor base stations are different. It would have been obvious to one of ordinary skill in the art at time the invention was made to have the frequency of the first base station different from that of the second base station to avoid interference.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika A Gary can be reached on 703-308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERIKA GARY
PATENT EXAMINER